

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATE DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

2012 MAR 12 PM 3: 59

CLERK Cadams
SO. DIST. OF GA.

Jerry A. Al-Sharif)

Plaintiff,)

V.)

EPES TRANSPORT SYSTEM, INC.,)

Defendants.)

Case: CV1:11-37

OBJECTION TO ORDERED AND
JUGGEMENT IN CIVIL CASE

Filed: March 12, 2012

*FINDINGS OF Fact, CONCLUSION
OF Law, AND RECOMMENDATION*

INTRODUCTION

Jerry A. Al-Sharif is the authorized representative for JERRY ALI AZIZ AL-SHARIF, which is a on the public record filed Trade Name/Trademark, Jerry Ali Aziz Al-Sharif is the secure party/Creditor of record as file in the Secretary of State and in the county court house of Richmond County for the past seven years

ISSUE

The issues to be decided were narrowed to the sole issue of whether Plaintiff was acting legal as third parties by its action of turnover funds without a Court Order sign by a Judge and whether Plaintiff was given Due Process of Law, and that The Court pays full attention to Haines v. Cerner, 404 U.S 519, and consider The substance of the complaint rather that the form.

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION-1

CONTENTION OF THE PARTIES

Plaintiff assert his right to be provided with a standing Court Order that will
Provided proof that EPES TRANSPORT SYSTEM, INC acting from March 4,
2011 till present is legal, shows evidence that a hearing was held and that the
Plaintiff was present so to allow or tender a defense

EVIDENCE CONSIDERED/SUBMITTED GROUP 1-9

The record in this matter consists of group 1-9 in the evidence file as follows:

- Worker's Verified Statements and Notice to Terminate Form W-4 Group #5
- Worker's Verified Affidavit, Letter to Transmittal of "Protected Individual"
Dated Augusta 18th 2007 Notary Mr. EDWARD TOOMER Group#5
- Worker's Verified Affidavit for Final Notice and Demand Dated: 08/18/07
Group #5
- Violation of Worker's rights and violation of law dated:0818/07 Group#5
- Demand for Verified Evidence of "Trade of Business "Activity;
Information Return Dated: 04/05/08

Defendant had full warning that any action on their behalf/failure to
Response to that Affidavit's will put EPES at Fault/Dishonor, therefore this case
cannot be close or dismiss, Affidavits' stand a matter of law.

FINDINGS OF FACT, CONCLUSION OF LAW AND RECOMMENDATION-2

Upon reviewing the Evidence file submitted and file in the Case on March 07, 2011, the court who have seen clearly that affidavit was never rebutted by EPES TRANSPORT SYSTEM, INC, AGENTS or any other interesting parties and Therefore stand as a matter of law and should have granted Plaintiff a full Trial by Jury as he demanded.

FINDING OF FACT

1. Plaintiff was employed by EPES TRANSPORT STYSTEM,INC On/or about June 26, 2003 and has work there till present as a Commerce Truck Diver and is identified as ALSJ/ work ID and is assigned to Truck 20030.

2. On January 12, 2007 Plaintiff sent to EPES TRANSPORT SYTEM, INC, Thru Agents MRS. Sharon Farris Pay Roll Agent Letter to Employer Requesting Accurate W-2 and Correction of Pass Forms, listing the legal Requirements that Federal Law (26 U.S.C., also call the I.R.C or Internal Revenue Code) other Titles of the U.S. Code impose on it's in the reporting of my Taxable wages as revealed by my research, i.e. The Privacy Act of 1974 found in 5 U.S.C. 552a cover the handling of personal information, such as Social Security Number (SSN) in EPES TRANSPORT SYSTEM, INC case "routine use" Dose Not allow them to disclosure my SSN or my address to outside agencies such as

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION-3

The IRS without my express written consent, which Epes Never received.

3. On February 9, 2008 Plaintiff return the form W-2 issued by EPES TRANSPORT SYSTEM, INC informing the pay roll department that the W-2 was in violation of the law and the IRC and that Plaintiff/worker is not engaged in the conduct of a "trade or business" within the "United State", and that Plaintiff /worker is "Nonresident alien", and NOT a "resident" (26 U.S.C. 7701 (b)(1)(A) or "U.S. "citizen" (26 CFR§ 1.1.-1(c)) and provided EPES with Form W-8BEN dated March 5, 2007

4. Plaintiff, Upon being hire I was mislead by EPES TRANSPORT SYSTEM, INC and its Agent that a Social Security Number was necessary to Obtain a position as a Truck Driver with its Company after researching Plaintiff Point out to the Defendants this was not correct and to stop using and taken funds from plaintiff pay check on a weekly base for the social welfare program, EPES TRANSPORT SYSTM, INC continues to this very day. Federal Law , Section 7 Public Law 93-579 Federal courts has rule that the Privacy Act Applies equally to the private sector as well, this was explain fully to the Company/EPES in detail in my Certified Letter mailed on March 4, 2007 in the evidence file

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION-4

5. Plaintiff informed Defendant that for the Purpose of IRC (26 U.S.C.) Section 3401 is not employee, office, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia or any Agency of instrumentality of any one or more of the foregoing, the Term “Employee “also includes an officer of a Corporation, The Internal Revenue Code is Special Law and not Positive Law doesn’t apply to Plaintiff.

6. Plaintiff made EPES TRANSPORT SYSTEM, INC aware that The Internal Revenue Publication are a fraud and cannot be relied upon to sustain a legal position and can’t be used as evidence of a “reasonable belief” in a court of law or by the Court as Positive Law, and that the IRS own Publications, issued by the Nation Office, explain the law in plain language for taxpayers and there advisors, while a good source of general information, publications should not be Cited to sustain a position” [IRS, 4.10.7.2.8(05-14-1999) federal court case listed below:

- a. Luhring v. Glotzbach, 3004 F.2d 560 (4th Cir 1962).
- b. Einhorn v. Dewitt, 618 F.2d 347 (5th Cir 1980).
- c. United State v. Goldstein, 342 F. Supp. 661 (E.D.N.Y. 1972).
- d. Boulez v. C.I.R., 810 F.2d 209 (D.D. Cir 1987).
- e. United States v. Will, 671 F. 2d 936, 967 (6th Cir 1982).

For the above reasons, Epes was told not to rely upon, the Internal Revenue Publication in the administration of payroll tax withholding in its company, and

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION-5

that the IRS or employees working for the IRS (Ms. JOHNETTE CARTER) cannot be held liable in any way for fraudulent, misleading, or downright false advice or information they provided to them in those publication or over the phone , or in NOTICE OF LIENS AND LEVYS sent out to EPES.

7. Plaintiff on April 28, 2008 informed EPES TRANSPORT SYSTEM, INC, was informed by the Plaintiff not to honor any IRS "Notice of Levies", on A valid court Order signed by a judge as required by the Fifth Amendment to the U.S. Constitution and that no court can exempt them or any third parties or IRS From this Requirement of the law.

8. On April 28, 2008 Plaintiff told EPES TRANSPORT SYSTEM , INC that the IRS/STATE OF GEORGIA cannot may or demand that I participate In payroll withholding if I am not an "employee" as defined in the Internal Revenue Code, or if I am a "nonresident alien "with no income "effectively connected with A Trade of business in the United States', which is synonymous with the holding of a Public office in the United States government as per 26 U.S.C. § 7701(A) (26).

Consequently, for the IRS/STATE to demand that I must participate in withholding , that I must submit a different withholding form, or that I am not a "nonresident Alien" is not within their delegated authority and there are no implementing FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION-6

Regulations authorizing them to make such determinations about my status.

Neither Can the Federal Courts make such determinations about my tax status either?

Under the Declaratory Judgment Act, 28 U.S.C. §2201, if anyone do so it will be a Violation of the law, i.e. 18 U.S.C §241 18 U.S.C. 18§872, 18 U.S.C. § 1341, 18 U.S.C. § 1955, 18 U.S.C. 1589, 18 U.S.C. § 1962, 18 U.S.C. §201 18 U.S.C.

1510(a) take of property without Due Process of Law is in Violation of 26 CFR 601.106(F) (1), EPES TRANSPORT SYSTEM, IN, a private, nonfederal

Employee's can be charges file against them for prosecution.

9. Plaintiff On May 19, 2007 sent to the EPES TRANSPORT SYSTEM, INC thru its AGENT Ms. Sharon Farris Affidavit of Notice of Default, Informing EPES that Plaintiff was not a federal Privileged Worker as define in Internal Revenue Code/IRS 3401 "employee "including elected official or President Corporation, EPES was also informed that W-4 form and all the federal regulation pertaining to submission and treatment of form W-4 only apply to Elected or appointed officers of the U.S. Government, as defined in 26 U.S.C § 3401 and 26 CFR§ 31. 3401(c) and that EPES TRANSPORT SYSTEM, INC and that I was being force to commit fraud, submitting the form W-4 as defined by the Supreme Court, into :gross income" under 26 CFR §31.3231(e)-1 Compensation.

FINDINGS OF FACT, CONCLUSION OF LAW, AND REOMMEDNDATION-7

10. Plaintiff on May 19, 2007 informed EPES that he was not engaging in a "Federally Privileged Activity as define in the Internal Revenue Code/IRC 3221"employment, and demanded that Defendants stop all withholding and false W-2's reporting, but Defendants every year continues to file such fraudulent documentation with Federal and state tax agencies, knowing that I am not required to file any 1040 forms and fill out/W-4's forms, as the Supreme Court has ruled.

11. Plaintiff on May 19, 2007 informed EPES TRANSPORT SYSTEM , INC thru its Agent Ms. Sharon Farris that Plaintiff earning from his position as a Over the Road Truck Driver doesn't fall under the Internal Revenue Code/IRS 7701, and has nothings to do with the "Federally Territory as define in IRC 7701 and that all false reporting to Federal and State Tax Agency Should cease, but Defendant/EPES continue fill out such false W-2's reports.

12. Plaintiff On February 2011Informed Informed EPES that IRS Handbook 1.16.4 make it's a violation of federal law U.S.C §499, for Ms JOHNETTE CARTER to misuse her Pocket commissions as she has done in this case, for Violation of the rules of conduct 18 U.S.C §499t Ms Carter is Defrauding Plaintiff and could be fined under this title or Imprisonment not more than five years or both, Ms Carter is in violation FAIR DEBT COLLECTION ACT and has FINDDINGS OF FACT, CONCLUSION OF LAW, AND ECOMMENDATION-8

never provided not one sign under the Penalty of Perjury documents to the plaintiff or validated such fraudulent claim. Debt doesn't not exist, and as a collection Agency for the INTERNAL REVUENUE in the Department of the Treasury Ms. Carter action is of a criminal nature, EPES were made aware that Ms Carter only has a nonenforcement pocket Commission, they were told that individuals with 1811 Serie, Ciriminal Investigation, ATF Agents and Internal Security or the only Agents invested with enforcement Authority given by Secretary of The Department of the Treasury, Epes was inform in advance that only the Secretary of the Treasury only has the authority under IRC Special Law to do assessments taxes payable by stamp only IRC 6201 communication with EPES TRANSPORT SYSTEM by certified mail over six plus years not made its crystal clear that in Merchant law 27 CFR § 72.11 its state that offense against revenue laws shall constitute a commercial crime. If that the case then there must be a contract violation, for the IRS or the government to seek legal action against me, no Contract exist between plaintiff and the IRS or the Department of The Treasury Creditor.

13. On March 7, 2011 Plaintiff made EPES TRANSPORT SYSTEM,INC Aware of the difference between a Notice of Levy a Levy and what the Requirement of the law really is before turn over money to Ms. Carter or anyone

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION-9

Else, the law required that a warrants of distraint be issued, form 668-W is not Sufficient, this is not the Plaintiff talking but the ruling of the U.S. Supreme Court

14. From 2001 to present Plaintiff has demanded that the IRS, its employees' including the Freedom of Information Department CEASE altering JERRY ALI AZIZ AL-SHARIF Individual Master File, and correct the recorder to Non-taxpayer, till this Date the files continue to show computer over ride so that Fraudulent Assessments can be enter in the Individual Master Files/IMF by employee's of the INTERNAL REVENUE SERVICE.

15. From 2007 till present Plaintiff informed EPES TRANSPORT SYSTEM, INC that Plaintiff relies on the decisions of the Supreme Court as the Supreme Law of the land, concerning violation of his constitutional rights, as Guarantee under the constitution.

DISCUSSION AND FURTHER FINDINGS

16. On January 27, 2012 Plaintiff cause to be sent to Douglas H. Shulman and Ms Johnnette Carter Constructive Notice of Demand for Verification Authenticity of Authority with Preamble Affidavit after considerable review of the Internal Revenue Code, Treasury regulations, published IRS policy, the Hand Book for Special Agents and the Administrative Procedure Act requirements and Supreme Court decisions upholding these requirements, it appears that Ms.

FINDINGS OF FACT, CLONCLUSION OF LAW AND RECOMMENDATION-10

JOHNETTE CARTE and the Commissioner of the IRS are operating outside of Venue and subject matter jurisdiction of the Internal Revenue Service and Plaintiff has file all document in the Public Records and under F.R.C.P 901(7) is Admissible as evidence in any case in a court of law, as of the file of this FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION both parties have Fail to Rebut Plaintiff Affidavit and its stand as a matter of law.

DISCUSSION AND FURTHER FINDINGS

16. On February 16, 2011 Plaintiff informed Ms. Carter that changed Of date for SUMMONS Appointment dated 02/01/2011 exhibit "A" had no force and effect of law unless back by a Federal Judge Order and plaintiff will not comply with her demand till Ms.Carter/IRS receive the Judge Order, as the Second Cir Court of Appeal ruled in 2005, Ms Carter has no Authority from the Secretary to send out any Notice of Lien's or Notice of Levy's from the Secretary.

17. In March of 2011 Plaintiff raise/informed Ms. Carter that she is in violation of the Federal Lien and Registration Act of 1966 and that a Notice of Levy's/ Lien's is invalid and doesn't come close to meeting the requirement of Certificate of Levy's and Certificate of Lien sign under penalty of perjury with all supporting documentation attached to the Levy's/Lien's

FINDINGS OF FACT, CONCLUSION OF LAW AND RECOMMENDATION-11

18. In February 2011 Plaintiff met with EPES TRANSPORT SYSTEM, INC Driver Manager and informed him that he need a Court Order before taken money from Plaintiff pay and that the papers he was presenting to Plaintiff was not a Court Order that any punishment before due process is not allow Under the United Sates Constitution, Defendant was warned ahead of time that there illegal taken could cause damages in the Thousand of dollars which has happen.

19. On March 4 thru 6 , 2011 Plaintiff requested a copy of the court order Authorizing them to take money from his pay, Defendants fail to response/ answer.

20. On January 27, 2012 Plaintiff sent Form COL to Ms. Carter The Violation Warning Denial of Rights under the Color of Law given her the opportunity to cease all illegal actions against plaintiff see attached as Exhibit "B"

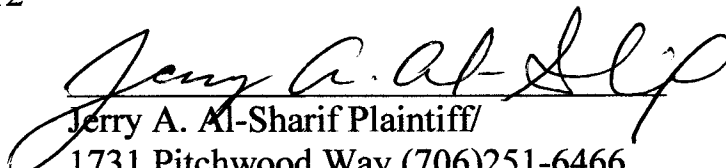
21. Plaintiff has proven he is entitle to be heard by a jury of his peers and That EPES TRANSPORT SYSTEMS must be held accountable for the damages Its has cause plaintiff for violation of Supreme Court ruling/laws and my Constitutional Rights afforded to me under the U.S. Constitution, due to there Actions

FINDINGS OF FACT, CONCLUSION OF LAW AND RECOMMENDATION12

RECOMMENDATION

Base upon the foregoing findings of fact and Conclusion of Law, Plaintiff recommends that the Court reverse its decision to Dismiss Plaintiff Civil Action and that the Court adopt such findings and conclusion as its own and issue and set a court day.

DATED this 12TH day of March, 2012

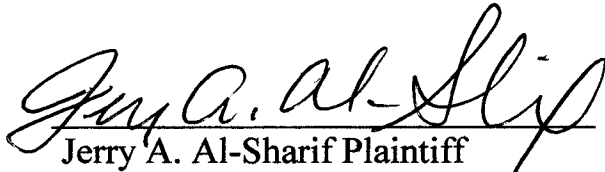

Jerry A. Al-Sharif Plaintiff/
1731 Pitchwood Way (706)251-6466
Hephzibah, Georgia 30815

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of March 2012, a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION was served by regular United States Mail upon each of the following:

MR. SCOTT L POFF Clerk of the Court
United States Southern District Augusta, Georgia
P.O.BOX 1130
AUGUSTA, GEORGIA 30903

Mr. CHRISTOPHER A COSPER
HULL BARRETT PC
P.O.BOX 1564
AUGUSTA, GEORGIA 30903


Jerry A. Al-Sharif Plaintiff
1731 Pitchwood way (706)251-6466
Hephzibah, Georgia 30815

FINDINGS OF FACT, CONCLUSION OF LAW, AND RECOMMENDATION
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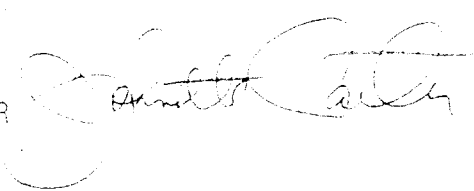


DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

SMALL BUSINESS / SELF-EMPLOYED DIVISION

02/01/2011

MEMORANDUM FOR Jerry Al Sharif

FROM: JOHNETTE CARTER
REVENUE OFFICER 

SUBJECT: Changed of date for SUMMONS Appointment

Mr. Al Sharif,

Please be advised that the Summons which was served at your residence on 2-1-2011 for appearance date 2-21-2011 has been changed. You are informed that the new appearance date is Tuesday, Feb. 22, 2011 at 11:00am at the IRS office located at 2743 Perimeter Pkwy, Augusta, GA 30909. The change in appointment date is due to the fact that Feb. 21 is a federal holiday.

Should you have any questions you may call me at 912-223-5564.

EXhibit "A"



Summons

Collection Information Statement

In the matter of JERRY ALI AL-SHARIF, 1731 PITCHWOOD WAY, HEPHZIBAH, GA 30815

Internal Revenue Service (Identify Division) SMALL BUSINESS/SELF EMPLOYED

Industry/Area (Identify by number or name) SB/SE AREA 5 (25)

Periods: See Attachment 1 to Summons Form 6637 for Period Information

The Commissioner of Internal Revenue

To: JERRY ALI AL-SHARIF

At: 1731 PITCHWOOD WAY, HEPHZIBAH, GA 30815

You are hereby summoned and required to appear before JOHNETTE CARTER, an Internal Revenue Service (IRS) officer, to give testimony and to bring for examination the following information related to the collection of the tax liability of the person identified above for the periods shown:

All documents and records you possess or control regarding assets, liabilities, or accounts held in the taxpayer's name or for the taxpayer's benefit which the taxpayer wholly or partially owns, or in which the taxpayer has a security interest. These records and documents include but are not limited to: all bank statements, checkbooks, canceled checks, saving account passbooks, records or certificates of deposit for the period:

From 01/01/2010 To 01/31/2011

Also include all current vehicle registration certificates, deeds or contracts regarding real property, stocks and bonds, accounts, notes and judgments receivable, and all life or health insurance policies.

IRS will use this information to prepare a Collection Information Statement. We have attached a blank statement to guide you in producing the necessary documents and records.

Do not write in this space

Exhibit "A"

Business address and telephone number of IRS officer before whom you are to appear:

777 GLOUCESTER ST, STE 413, BRUNSWICK, GA 31520 (912) 264-4461

Place and time for appearance: At 2743 PERIMETER PKWY, AUGUSTA, GA 30909



IRS

on the 21st day of February, 2011 at 1:00 o'clock p m.

Issued under authority of the Internal Revenue Code this 1st day of February, 2011

Department of the Treasury
Internal Revenue Service

www.irs.gov

Form 6637 (Rev. 10-2010)
Catalog Number 25000Q

JOHNETTE CARTER

Signature of issuing officer

REVENUE OFFICER

Title

Signature of approving officer (if applicable)

Title

Original -- to be kept by IRS



Summons

Collection Information Statement

In the matter of JERRY ALI AL-SHARIF, 1731 PITCHWOOD WAY, HEPHZIBAH, GA 30815

Internal Revenue Service (Identify Division) SMALL BUSINESS/SELF EMPLOYED

Industry/Area (Identify by number or name) SB/SE AREA 5 (25)

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From 01/01/2010 To 01/31/2011

Also include all current vehicle registration certificates, deeds or contracts regarding real property, stocks and bonds, accounts, notes and judgments receivable, and all life or health insurance policies.

IRS will use this information to prepare a Collection Information Statement. We have attached a blank statement to guide you in producing the necessary documents and records.

Do not write in this space

Exhibit "A"

Business address and telephone number of IRS officer before whom you are to appear:

777 GLOUCESTER ST, STE 413, BRUNSWICK, GA 31520 (912) 264-4461

Place and time for appearance: At 2743 PERIMETER PKWY, AUGUSTA, GA 30909



on the 21st day of February, 2011 at 1:00 o'clock p.m.

Issued under authority of the Internal Revenue Code this 1st day of February, 2011

Department of the Treasury
Internal Revenue Service

www.irs.gov

Form 6637 (Rev. 10-2010)
Catalog Number 25000Q

JOHNETTE CARTER

Signature of issuing officer

REVENUE OFFICER

Title

Signature of approving officer (if applicable)

Title

Original -- to be kept by IRS

Form **COL** **Violation Warning**
Denial of Rights Under Color of Law

► Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

Name and address of Citizen

Jerry Ali Aziz Al-Sharif
 C/O P.O. Box 6661 Peach Orchard Rd
 Augusta, Georgia 30916

Name and address of Notice Recipient

JOHNETTE CARTER
 777 Gloucester ST. STE 413
 BRUNSWICK, GA 31520

Citizen's statement:

1. Release all Levy's 2. Remove all Lien's
 From county Records, 3. return all Funds taken
 without Legal Due Process "FINAL NOTICE"

I certify that the forgoing information stated here is true and correct.

Citizen's signature

► By Jerry A. A. Al-Sharif ucc1-308 | Date ► 01/27/2012

Legal Notice and Warning

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law, may be a felony.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages! Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, Jerry A. A. Al-Sharif certify that I personally delivered this notice to above named recipient and address on JAN 27 2012 at BY CERTIFIED MAIL 700934100000 85481378

Public Domain—Privacy Form COL(01)

Exhibit "B"